IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO.3960 OF 2004

Kum Shraddha madhukar Jakkal, .. Petitioner

Vs

State of Maharashtra & Ors. .. Respondents

Mr R.K.Mendadkar, for the petitioner.

Mr R.M.Patne, AGP for respondent nos 1 to 3.

CORAM : V.G.PALSHIKAR & D.B.BHOSALE,JJ.

DATE : 15.9.2005.

PC:

1. Heard learned counsel for the parties.

2. By this petition, the petitioner has prayed for a direction to the Caste Scrutiny Committee to consider the validity of her caste certificate submitted to it by the respondent-college.

3. The caste certificate pronouncing that the petitioner belongs to Mennevarlu caste, was issued on

4.11.1992. The petitioner sought admission to the respondent-college on 23.3.2004. At that time, the petitioner was aware of the fact that she has to produce a caste validity certificate. Nothing in that regard was done except tendering the caste certificate of November, 1992 with the respondent-college and secured admission to a seat reserved for backward class candidate. The admission was granted latest in June, 2003 and nothing thereafter was done till filing of this petition in May, 2004. The petitioner has, by getting admission in such manner without having validity certificate in her favour, denied rightful claim of a person belonging to the backward class who may have a validity certificate also.

4. In our opinion, this Court should not encourage such practice to secure admission on the basis of the certificate not verified and then request the Court to protect the admission and consequently a degree or diploma obtained without there being any final adjudication of the caste certificate to which a student belongs. In our opinion, the petitioner had ample time to seek validity certificate of her caste even before applying for admission to the course of Architecture. The fact that such certificate requires validation is

well-known. It is statutorily required and, therefore, it cannot be said that the petitioner had no knowledge of such requirement.

5. The petitioner was granted 12 weeks time by the respondent-college itself to seek validity of her caste certificate from the appropriate committee. There is nothing on record to show that any attempt was made to get that certificate within that time or within the time that was automatically extended till the impugned order was passed. The only relief we can grant to the petitioner is a direction to the Caste Scrutiny Committee to decide the validity of the caste certificate tendered by the petitioner within a period of three months from the date of receipt of this order. With this directions, the writ petition is dismissed.

(D.B.BHOSALE, J.) **(V.G.PALSHIKAR, J.)**